

(3) Plans, schedules, and rulings to facilitate discovery;

(4) Limiting the number of witnesses and other means of avoiding cumulative evidence;

(5) Stipulations or agreements disposing of matters in dispute; or

(6) Ways to expedite disposition of the case or to facilitate settlement of the dispute, including, if the parties and the Board agree, the use of alternative dispute resolution techniques, as provided in 6102.1 and 6102.4.

(b) *Conference memorandum.* The Board may prepare a memorandum of the results of a conference or issue an order reflecting any actions taken, or both. A memorandum or order so issued shall be placed in the record of the case and sent to each party. Each party shall have 5 working days after receipt of a memorandum to object to the substance of it.

(c) *Prehearing order.* The Board may issue a prehearing or presubmission order to govern the proceedings in a case.

(d) *Prehearing or presubmission briefs.* A party may, by leave of the Board, file a prehearing or presubmission brief at any time before the hearing or upon or before the date on which first record submissions are due.

6101.11 Submission on the record without a hearing [Rule 111].

(a) *Submission on the record.* (1) A party may elect to submit its case on the record without a hearing. A party submitting its case on the record may include in its written record submission or submissions:

(i) Any relevant documents or other tangible things it wishes the Board to admit into evidence;

(ii) Affidavits, depositions, and other discovery materials that set forth relevant evidence; and

(iii) A brief or memorandum of law.

(2) The Board may require the submission of additional evidence or briefs and may order oral argument in a case submitted on the record.

(b) *Time for submission.* (1) If both parties have elected to submit the case on the record, the Board will issue an order prescribing the time for initial and, if appropriate, reply record submissions.

(2) If one party has elected a hearing and the other party has elected to submit its case on the record, the party submitting on the record shall make its initial submission no later than the commencement of the hearing or at an earlier date if the Board so orders, and a further submission in the form of a brief at the time for submission of posthearing briefs.

(c) *Objections to evidence.* Unless otherwise directed by the Board, objections to evidence (other than the appeal file and supplements thereto) in a record submission may be made within 10 working days after the filing of the submission. Replies to such objections, if any, may be made within 10 working days after the filing of the objection. The Board may rule on such objections in its opinion deciding the merits or otherwise disposing of the case.

6101.12 Record of Board proceedings [Rule 112].

(a) *Composition of the record for decision.* (1) The record upon which any decision of the Board will be rendered consists of:

(i) The notice of appeal, petition, or application;

(ii) Appeal file exhibits other than those as to which objection has been sustained;

(iii) Hearing exhibits other than those as to which an objection has been sustained;

(iv) Pleadings;

(v) Motions and responses thereto;

(vi) Memoranda, orders, rulings, and directions to the parties issued by the Board;

(vii) Documents and other tangible things admitted in evidence by the Board;

(viii) Written transcripts or electronic recordings of proceedings;

(ix) Stipulations and admissions by the parties;

(x) Depositions, or parts thereof, received in evidence;

(xi) Written interrogatories and responses received in evidence;

(xii) Briefs and memoranda of law; and

(xiii) Anything else that the Board may designate.

(2) All other papers and documents in a case are part of the administrative